February 16, 1998
(Justice)

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*The following is being distributed at the request of the Human Rights Commission:*

The Human Rights Commission releases the decision of adjudicator, Kelvin L. Parsons, in complaints filed with the commission by Catherine Parrell, Elizabeth Power, Stella Williams and Ruby Murphy against the Department of Justice and the Newfoundland Association of Public Employees. The complainants alleged discrimination in pay. Mr. Parsons adjourned the hearing on November 4, 1997, to consider preliminary issues raised by NAPE.

At the commencement of the hearing the Department of Justice, the complainants and the Human Rights Commission entered a Consent Order agreeing the complaints were justified and setting out the conditions of settlement. NAPE objected to a provision in the Consent Order agreeing that the four complainants be paid in conformity with the Correctional Officer 1 pay scale. In his decision, Mr. Parsons rejects the argument by NAPE that this provision in the Consent Order violates the statutory freeze on the terms and conditions of employment set out in section 15 of the Public Service (Collective Bargaining) Act. In rejecting the argument, Mr. Parsons stated: "Human rights legislation has been interpreted to be quasi constitutional and its provisions are to be given broad and liberal construction." Mr. Parsons has also rejected a second argument put forward by NAPE which stated that the Board of Inquiry can only exercise its jurisdiction to enter the pay increase after the board has exercised its duty to give full opportunity to all parties to present evidence and make representations. The adjudicator, in his written decision, stated that NAPE, through its counsel's statements at the hearing and through written submissions, was given full opportunity to present evidence and make representations as to whether item #5 of the Consent Order, providing for the pay increase, should be admitted.

Mr. Parson's decision states that the complaints against the Department of Justice are resolved once the new Consent Order is executed. He refers the matter back to the Human Rights Commission for scheduling a continuation of the hearing against the Second Respondent (NAPE).

Copies of the decision can be obtained by calling the office of the Human Rights Commission at (709) 729-2709.

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